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April 19, 2024

VIA ECF

Hon. J. Brendan Day, U.S.M.J.
Clarkson S. Fisher Building
& U.S. Courthouse, Court Room: 7E
402 East State Street
Trenton, NJ 08608

**Re: McGillvary v. Reiz et al.
Civil Action No. 3:22-cv-06430-MAS-JBD**

**Opposition to Plaintiff's Motion for Subpoenas and Scheduling Order
(ECF No. 44)**

Returnable May 6, 2024

Dear Judge Day:

This office represents Rahmo Reiz ("Defendant") in the above-referenced matter. Please accept this letter in response to Plaintiff, Caleb L. McGillvary's ("Plaintiff") motion to issue subpoenas and for entry of a Scheduling Order, which is currently returnable on May 6, 2024.

Although L.Civ.R. 72.1(3)(C)(i) exempts cases involving incarcerated *pro se* parties from the requirement to issue Scheduling Orders, Defendant does not oppose Plaintiff's request for entry of a Scheduling Order, and we are happy to prepare a draft order if the Court wishes.

However, Defendant is unable to take a position with respect to Plaintiff's request for issuance of subpoenas. Neither Plaintiff's January 24, 2024 request, nor his April 1, 2024 motion include copies of the requested subpoenas, and this office has not otherwise been provided copies of same. As such, Defendant is unable to take a position with respect to this portion of Plaintiff's motion without reviewing the subpoenas to know and understand to whom the subpoenas are directed, or which documents Plaintiff seeks pursuant to any such subpoenas.

Accordingly, we respectfully request that Plaintiff's motion, insofar as it relates to the issuance of subpoenas, be denied until such time as the requested subpoenas are filed on the docket or are otherwise provided to this office.



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We thank Your Honor for the Court's time and attention to this matter.

Respectfully submitted,

NORRIS McLAUGHLIN, PA

/s/ Margaret Raymond-Flood
Margaret Raymond-Flood

cc: The Honorable Michael A. Shipp, U.S.D.J. (via ECF)
Caleb L. McGillvary (via Federal Express)